

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re
DAVID JOHANSON
NICOLE JOHANSON

) Case No. 312-35486-rld13
)
) Confirmation Hearing Date: Sep 27, 2012
)
) TRUSTEE'S OBJECTION TO
) CONFIRMATION; AND
) MOTION(S) THEREON

Debtor(s)

THE TRUSTEE:

1. Objects to confirmation for the reason(s) marked below:

- _____ a. Attorney fees sought are excessive:
- _____ b. Case not filed in good faith/Plan not proposed in good faith:
- _____ c. Plan is not feasible:
- _____ d. Plan does not commit all of the debtor's excess projected disposable income pursuant to §1325(b)(1)(B) for the applicable commitment period:
- _____ e. Plan does not meet best interest test:
- _____ f. Filing/ documentation deficient:

X g. Other: as requested at the §341(a) hearing, file an **Amended Plan** to make the following changes to the Plan:

1. Uncheck the box "motion to value collateral;
2. The debtor's disposable income is \$1,054.00, increase ¶1(a) accordingly. The payment should not include pennies;
3. ¶1(c) un-mark the box "The life of the Plan";
4. ¶2(b)(1) strike "\$168,840.00", strike "5.95%" and insert "0%", and insert an equal monthly payment as it pertains to Oregon Department of Veteran Affairs.
5. ¶2(b)(4) and the attorney fee disclosure are inconsistent;
6. ¶2(b)(4) uncheck the box "From all available funds after pt. 2(b) payments are made" and insert "All attorney fees, including supplemental compensation, shall be paid from all available funds after any fixed monthly payments in ¶2(b) are made";
7. ¶2(g) should be \$22,200 or in the alternative file an Amended Schedule C to exempt the PERS account;
8. ¶2(h) strike "12.00" and insert "NA";
9. ¶8 insert "applicable commitment period"; and
10. Upon review of the Schedule D filed by the Debtors and the Proof of Claims filed by Wells Fargo and Americredit it appears that the 2007 Ford and 2008 Jeep is impaired. The Trustee objects to both vehicles being paid outside the plan. Impaired vehicles must be paid through the plan in paragraph 2(b) and given an appropriate interest rate. Provide the Trustee with an Amended Schedule J and increase paragraph 1(a) accordingly.

2. If, not less than 10 days prior to the confirmation hearing, the debtor fails to take all necessary steps to satisfy each objection marked above (e.g., file an amended plan using LBF #1355.05, file all documentation noted in 1.f., etc.), the trustee must promptly file this document. If this document is filed, the trustee moves the court for an order per the section(s) marked below:

- _____ a. Move that the debtor's attorney's fee request be modified as follows:
and/or
- X** b. (If any section other than 1.a. is marked above) move that the case be dismissed without further notice.

3. Certifies a copy of this document was served on the debtor and debtor's attorney, if any, by hand at the first meeting of creditors on **N/A**, or by mail on **August 31, 2012**.

DATED: August 31, 2012

/s/ Wayne Godare
Trustee

CATHLEEN B CALLAHAN
1350.70 (06/24/97)(mm)